

BOARD OF ADJUSTMENT REPORT



MEETING DATE: 5/3/2006

ITEM No. _____

ACTION REQUESTED: Zoning Ordinance Variance

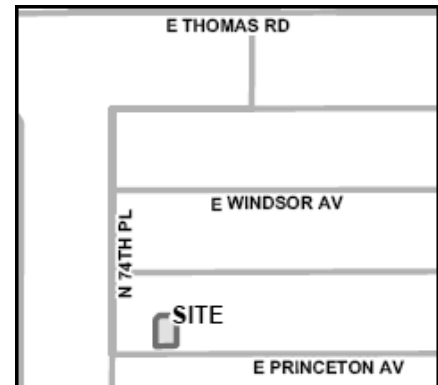
SUBJECT Barciz Residence
(4-BA-2006)

REQUEST Request to approve a variance from Article V. Section 5.504.E.2.a.
regarding side yard setbacks.

OWNER Andrew Barciz
602-509-5925

APPLICANT CONTACT Andrew Barciz
602-509-5925

LOCATION 7412 E Princeton Avenue



CODE ENFORCEMENT No Code Enforcement activity has occurred on this case.
ACTIVITY

PUBLIC COMMENT Neighboring properties have been notified of the Applicant's request.
There have been no inquiries to City staff regarding the case. No
homeowners' association exists in the neighborhood.

ZONE The site is zoned R1-7 (Single-Family Residential District). The
district is intended to promote and preserve single-family residential
development on lots of 7,000 square feet or larger. The district has the
second highest density of the City's single-family districts. The
minimum lot width for the district is 70 feet.

ZONING/DEVELOPMENT The site is located within the 88-lot Cavalier Vista Unit Four – A
CONTEXT residential subdivision, approved December 24, 1958. Surrounding
uses include:

North: A sixteen (16) foot alley directly adjacent to the
northern property line of the lot and a single-family
residence, zoned R1-7, in the Cavalier Vista Unit Four
– A subdivision further north.

East: A single-family residence, zoned R1-7, abuts the
subject lot on the east. The residence on the adjacent
lot is approximately seven (7) from the property line.

South: Princeton Avenue directly abuts the property to the
south with another R1-7 zoned single-family residence

south of Princeton.

West: A sixteen (16) foot alley directly adjacent the western property line of the lot and a single-family residence, zoned R1-7, in the same subdivision further west.

ORDINANCE
REQUIREMENTS

Article V, Section 5.504.E.2.a. states, "There shall be a side yard on each side of the building having an aggregate width of not less than fourteen (14) feet, provided, however, the minimum side yard shall not be less than five (5) in width."

DISCUSSION

The requested variance is for a reduction in the minimum side yard setback from 5 feet to 2.5 feet and a reduction in the required aggregate side yard width from 14 feet to 7.5 feet. The requested variance would allow the construction of a new attached garage on the site.

Cavalier Vista Unit Four - A residential subdivision was approved in late 1958 and was annexed into the City in 1965. Upon annexation and inclusion into the City's R1-7 District, this and other lots in the subdivision plat did not meet minimum lot area, minimum lot width, minimum aggregate setback requirements and minimum distance between adjoining buildings. No background information has indicated that amended development standards have been applied to this plat. It appears that 5 foot side yards exist throughout the subdivision and that the City's R1-7 district zoning was applied to the area following annexation. This house and many other houses in the neighborhood are non-conforming with regard to side yard setbacks.

FINDINGS

- 1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

The Applicant indicates that the sub-standard size and width of the lot create a special circumstance on the property. The Applicant states that the smaller than required width of the lot, 65.48 feet versus 70 feet, limits the ability to develop this lot compared to the requirements of the R1-7 District. Also, the lot's 6,172 square foot area does not meet the minimum lot size requirement of the R1-7 district, which is 7,000 square feet. The established building setback line, which currently extends to 2.5 feet off the property line, would not be encroached upon by the proposed garage addition at the front of the residence.

This and a majority of the lots within the subdivision do not meet the minimum lot size requirement of the R1-7 zoning district. In addition, this lot is one of 23 in the subdivision that do not meet the minimum width standards as required by the R1-7 district.

2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:

The Applicant states that the proposed addition will allow the owner to expand the home similar to that of several other homes in the neighborhood. The Applicant also notes that the house's current size of 1,500 square feet is inadequate for his new and extending family. Also, due to the width of the lot being only a little over 65 feet, other standard sized R1-7 lots have greater lot widths for development. Furthermore, the Applicant has noted that due to the lot's relatively small size, there is very little room to store items and to expand living space.

Several homes in the area have expanded their living spaces and enclosed carports or built garages similar to the proposal by the Applicant. As noted above, the lot is smaller than is required by current R1-7 standards in both lot area and lot width. Alternatively, the Applicant could build an open carport structure attached to the existing building or a smaller garage without the need for a variance. A carport structure would be allowed to be constructed on the property line.

3. That special circumstances were not created by the owner or applicant:

The Applicant noted that the current home was built in 1959 in the County under standards that are non-conforming with the current City R1-7 standards. The City applied these standards after annexation of the existing homes, which inappropriately burdens future property owners with regards to upgrading of their property.

The current R1-7 standards of a 14-foot aggregate side yard width and minimum 5-foot side yard widths were not in effect at the time the home was built. The area of this subdivision and other areas surrounding it were annexed into the City on 11/2/1965, several years after most of the homes in the area were built. The proposed garage could be replaced with a smaller garage or carport without the need for a variance.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

The Applicant states that while preparing for the proposed expansion of livable space for the residence and garage addition he has taken into account the neighborhood and its current style. To that end, the Applicant has attempted to duplicate the existing design and style of the home on the property and those in the surrounding neighborhood. The Applicant indicates that the proposed variance would be on the side of the property that abuts

the existing alley and thus would be less interference with adjacent properties. Furthermore, the Applicant has spoken with many of the residents within 300 feet of his property to discuss his proposal and received a positive reaction and has noted that several other properties in the area are being remodeled and expanded similar to this proposal.

The Applicant's proposal does not require an expansion of the existing building, or the construction of any new portions of the building, beyond the established 2.5-foot setback line on the west side of the property. The Applicant is complying with all other required setback standards on the lot including front and rear setbacks.

STAFF CONTACT

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ATTACHMENTS

1. Project Description
2. Justification
3. Context Aerial
4. Aerial Close-up
5. Zoning Map
6. Proposed Site Plan
7. Elevations
8. Photographs

To the City of Scottsdale,

This is to request a variance for set back requirements on the west side of my property. As you can see on the west and north end of my lot I have alleys. I would like to convert my current garage into living space. I then would like to build a new garage on the front of the existing garage. The new garage would be the same width as the old one. It would also match the length of the house on the east side. I would use the same type roofing material and try to match the house design as closely as possible.

As you can see the house was built in 1959. Unfortunately after meeting with a planning coordinator I realized that my house does not conform to the current R1-7 zoning requirements as to set backs. It appears that the set back on the east end is 5 feet. The set back on the west side is 2.5 feet. I researched the other lots with this type of house in the neighborhood and found that my lot is approximately 8 ft narrower than normal lots without alleys on two sides. My lot also loses more room where the wall is notched in the southwest corner. This notch is to accommodate garbage trucks as they go on their route. This makes my backyard small in size. To further add to this problem my house came with a pool when I bought it. Thus my storage is greatly diminished. This creates a hardship, as I own three cars, numerous tools and home repair equipment. I need storage to protect my tools as well my vehicles. We also need the extra living space to accommodate my wife's brothers who stay with us frequently. We also are in the process of trying to start a family of our own. I believe that qualifies as unusual circumstances.

I have also found that this house was built prior to the current zoning being required. Due to this the house does not conform in several ways. One such condition is the fact that my lot is 6220 square feet. My lot is also only 65 feet wide. I believe the code required my lot be built at least 70 feet wide and at least 7000 square feet in total size. I did not know this at the time of purchase 8 years ago. I have also found that the City of Scottsdale has taken notice to this type of problem. I also found that they have formed a committee to address this problem in South Scottsdale.

I live one street north of Coronado high school. I find that in the hedges to the west there is constantly trash from kids smoking and doing drugs. If allowed this variance I will have a block wall built next to the house and remove the trash collecting hedges. I also can utilize the extra garage space to keep tools and cars inside.

I would also like to state both my wife and I were born and raised in South Scottsdale. Both of our parents and grand parents also live in this neighborhood. We enjoy this area and would like to help preserve it by raising our family in it. We feel that we need this variance to make our home work for our needs. We also want to do this addition in a way that best matches the original style of this neighborhood.

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In closing I believe this variance will be beneficial to neighbors, as the alley will look nicer. Also I believe that it will not affect other neighbors as the variance is on the alley side thus not encroaching on their land. I appreciate your consideration in this matter. I have enclosed photos of my house. I have also enclosed photos of a house on the next street over. He extended his garage in the same way. As you can see he does not have the alley considerations thus he did not need a variance. I enclosed the photos of his house so that you may better visualize what the addition will look like. Please feel free to call with questions.

Andrew Barciz
7412 E. Princeton ave.
Scottsdale, AZ 85257
602-509-5925

Justification for Variance for 7412 E. Princeton Av.

1. Special circumstances/conditions exist which do not apply to other properties in the district:

This house was built in 1959. This area was county land and not yet in the city of Scottsdale at that time. In this development there are a select few houses, which have undersized lots. The total area of this lot is 6220 square feet. Current zoning requires this to be 7000 square feet. The lot is 65 feet across. This again is 5 feet smaller than required by current zoning. This is due to having alleys on two sides of my property. City of Scottsdale adopted the current zoning code after this area was built. Unfortunately this neighborhood was not built to this code. I have observed very few houses in South Scottsdale with two alleys on two sides of their properties.

There are a total of four houses in this subdivision with alleys on two sides of their property. Of these, only one house is the same style as mine. Also this style of house is built in an L shape making any other type of addition odd in style compared to the addition proposed.

2. Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:

By authorizing this variance this allows the home to maintain the look of the homes in this division. This would also allow the house to maintain the current rooflines. Other homes of this style in this division have done similar additions but without the same lot restrictions. As seen in other properties this maintains the best look for this neighborhood. Without this variance any additional garage would have to be moved to the east, which would look odd in relation to the rest of the house.

This will also allow for an expansion of both living space and storage space. This will significantly improve our quality of life as we start a family. The house is currently 1500 square feet. We simply need more space to raise a family and stay in this area. This lot was built with an extremely small backyard that limits our ability to store items and add on to living space. My wife and I have been born and raised in South Scottsdale and would like to raise our children here as well.

3. Special circumstances were not created by the owner or applicant:

These special circumstances were created when the City of Scottsdale adopted codes from County that states that all lots will be at least 7000 square feet in size and be 70 feet in width. This lot is only 65 feet in width and is 6220 square feet. Also this house was built with alleys on both sides of the property. This house was built into the property line setbacks required by zoning code

5.504.E.2.a. Had this house been built to the code now required I would not be in need of a variance.

4. Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:

In preparing for this project I have taken into account the neighborhood and its current style. I have enclosed pictures of another house that is the same style but not built on the same lot size. I believe this addition is an improvement to the house and to the neighborhood. I created a packet describing the variance and addition I am trying to build. I then went to all neighbors within 300 feet of my residence to talk with them in person regarding this project. I received a very positive reaction from my neighbors. I also found that many homes are being remodeled in this area. I suspect many homeowners in the South Scottsdale area are experiencing the need for a variance like me.

I believe if granted this variance it will not interfere with any neighbors. The variance will be on the side of the alley. If allowed this variance will still allow for over 16 feet between my house and my house and the house to west.

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Q.S.
14-45

G.I.S. ORTHOPHOTO 2003

Barciz Reisdence

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ATTACHMENT #3



Q.S.
14-45

G.I.S. ORTHOPHOTO 2003

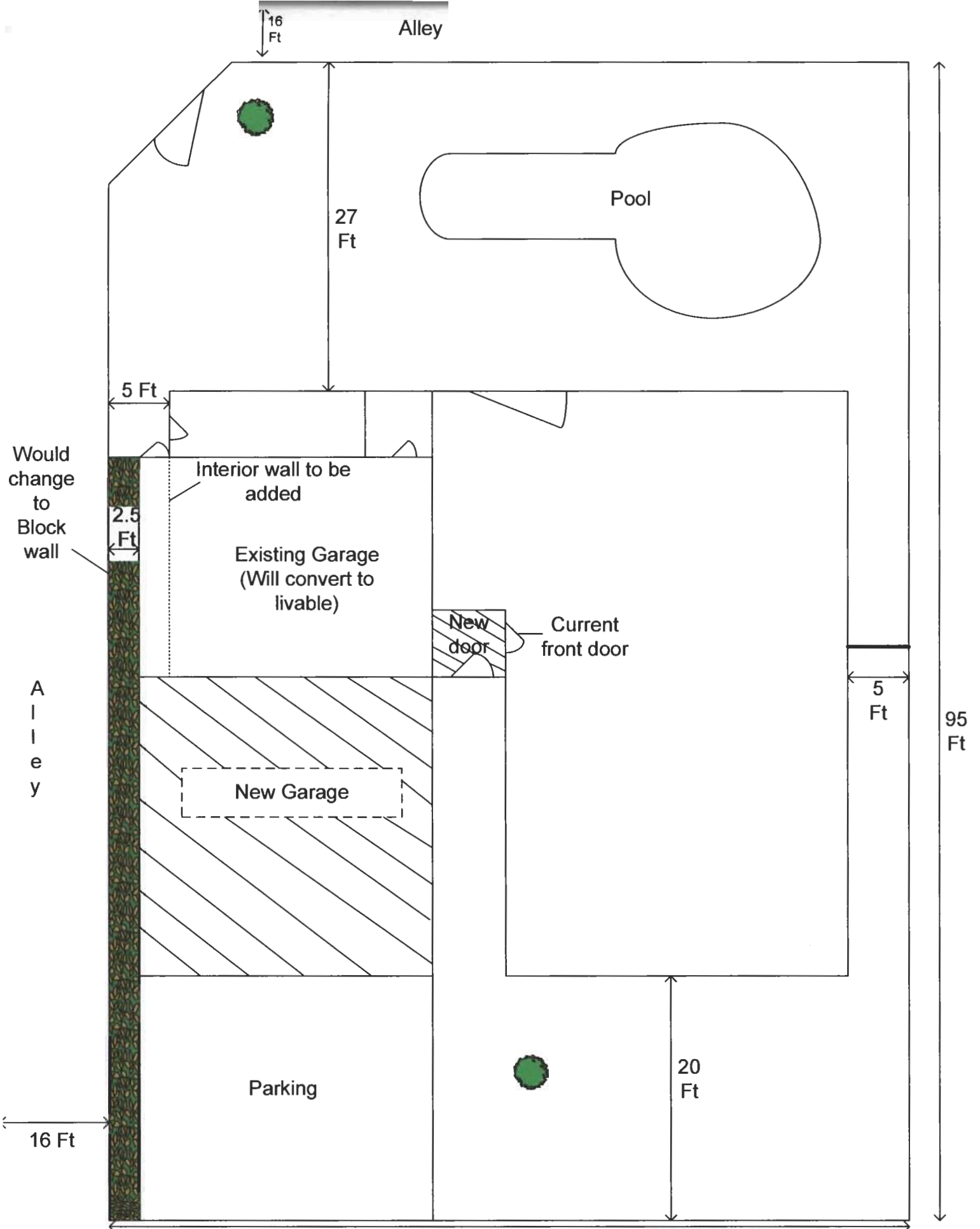


Barciz Reisdence

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ATTACHMENT #4

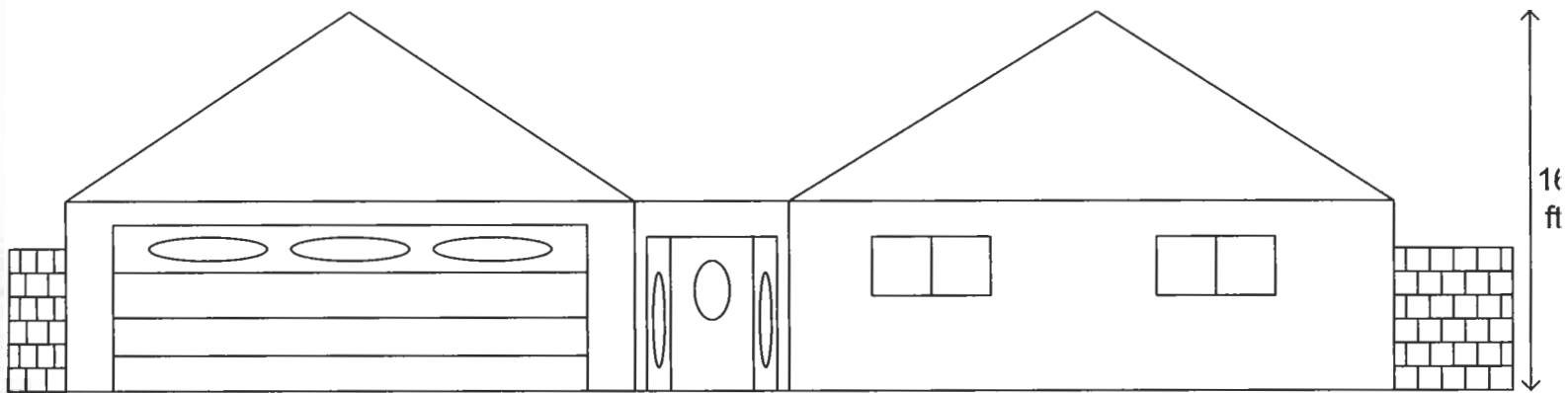




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65.48 Ft
Princeton Ave.
ATTACHMENT #6

7412 E Princeton ave.
Scottsdale, AZ 85257
Andrew Barciz 602-509-5925
Lot 479 Caviler Vista Unit



7412 E Princeton ave.
Scottsdale, AZ 85257
Andrew Barciz 602-509-5925
Lot 479 Caviler Vista Unit

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